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December 16, 2002

VIA MESSENGER

Mr. Thomas J. Krueger
Associate Regional Counsel
U.S. EPA Region 5
77 West Jackson Blvd.
Chicago, IL 60604-3590

Re: Ellsworth Industrial Park Site -- Downers Grove Sanitary District

Dear Tom:

As you are aware, we have completed the sampling that we proposed to U.S. EPA in the September 23, 2002 *Site Investigation Work Plan, Downers Grove Sanitary District*. Enclosed with this letter are three copies of the report entitled *Site Investigation Report on The Downers Grove Sanitary District's Sewage Lagoon Area* discussing the sampling results.

The additional data that we have collected includes further groundwater samples and, more importantly, samples from the sludge lagoons and underlying soil. U.S. EPA identified the sludge lagoons as a potential contamination source, based on the flimsiest of evidence, since no samples were taken of the sludge or underlying soil to confirm that assertion. The sole basis for claiming that the sludge lagoons were a potential source was a single groundwater result from a well identified as BD-4(I) that contained trichloroethene at 0.0092 mg/L. U.S. EPA's consultant also made highly questionable assumptions about groundwater flow based on far from complete data.

As you will see in the enclosed report, the additional data that we have obtained, and now are sharing with U.S. EPA, establishes that the sludge lagoons are not a source of the contamination in the groundwater at the Ellsworth Industrial Park. The additional sampling work we have conducted not only definitively rules out the sludge lagoons as a source but also identifies the source of contamination found in well BD-4(I). The District believes that the source of the contamination found in that well -- a source completely ignored by U.S. EPA -- is a contaminated groundwater plume originating from property to the east of the sludge lagoons.

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This conclusion is supported by work performed by U.S. EPA's contractor, Weston Solutions, Inc. Specifically, Weston previously detected volatiles in soil using a flame ionization detector in the vicinity of a cone penetration test sample designated as EIP-5 (G-105) by Weston on the Dyna-Gear property. Despite detecting volatiles during the CPT sampling Weston took no soil samples from the vicinity of EIP-5(G-105) to confirm the FID results and to identify the specific volatiles detected in soil. Despite this critical finding on the property to the east of Downers Grove Sanitary District, U.S. EPA nonetheless named Downers Grove Sanitary District as a PRP.

This erroneous identification has caused Downers Grove Sanitary District to incur significant legal and consulting costs and has resulted in adverse publicity regarding the District, with attendant threatened personal injury litigation. Now that the sludge lagoons have been definitively ruled out as a source, we request that U.S. EPA resolve this matter with Downers Grove Sanitary District. There is simply no technical – or legal – justification for Downers Grove Sanitary District to remain in this matter as a PRP.

We believe that the most appropriate means of resolving our client's status as a PRP is through use of the U.S. EPA's contaminated aquifer policy as expeditiously as possible. To that end, we would like to meet with you as soon as possible to discuss any questions that you may have about the enclosed report and to discuss the final resolution of this matter. If U.S. EPA believes that Downers Grove Sanitary District should remain at this site as PRP or is unwilling to settle this matter, despite the data we have collected at great expense, then please notify me as soon as possible.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mark Latham", with a long horizontal flourish extending to the right.

Mark Latham

cc: Larry Cox
Don Eckmann
Roy Harsch
Frank Lyons
Sheila Deely

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